

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DIMARE FRESH, INC.,	§	
	§	
Plaintiff	§	
	§	
v.	§	Civil Action No. H-05-1372
	§	
KING'S MEAT & SEAFOOD	§	
CORPORATION, a/t/a KINGS FOOD	§	
SERVICE, and CHUN LIANG	§	
HSIEH,	§	
	§	
Defendants.	§	
	§	

ORDER

Pending before the Court is DiMare Fresh, Inc.'s Motion for Preliminary Injunction (Document No. 5). Having considered the motion, submissions, arguments of counsel at a hearing held on April 28, 2005, and applicable law, the Court determines that the motion should be granted.

The Court held a preliminary injunction hearing in the captioned matter on April 28, 2005. Plaintiff DiMare Fresh, Inc. ("DiMare") appeared at the hearing represented by counsel. Defendants Kings Meat & Seafood Corporation and Chun Liang Hsieh were served with notice of the hearing but failed to appear. At the hearing, the Court heard testimony of a DiMare representative that demonstrated: (1)

a substantial likelihood DiMare will succeed on the merits of its claims; (2) a substantial threat of irreparable injury or harm to DiMare for which there is no adequate remedy at law; (3) that the threatened injury to DiMare outweighs any harm that the injunction might cause to Defendants; and (4) that the injunction will not disserve the public interest. *See DSC Communications Corp. v. DGI Techs., Inc.*, 81 F.3d 597, 600 (5th Cir. 1996). Given the foregoing, the Court hereby

ORDERS DiMare's Motion for Preliminary Injunction (Document No. 5) is GRANTED as follows:

The Court ORDERS that Defendants, their agents, officers, subsidiaries, assigns, and/or related entities shall not alienate, dissipate, pay over or assign any assets of Kings Meat & Seafood Corporation, up to \$52,799.05, that are derived from or relate to produce DiMare sold to Defendants between January 10, 2005 and February 21, 2005. The Court further


ORDERS that within five (5) business days of the date of service of this Order, Defendants shall supply DiMare's counsel all documents regarding the assets of Kings Meat & Seafood Corporation as they relate to produce Defendants received from DiMare between January 10, 2005 and February 21, 2005, including, but not limited to: balance sheets and profit/loss statements from January 1, 2005 to

the date of this Order; accounts receivable names and addresses of entities and/or individuals that purchased from Defendants the produce DiMare sold to Defendants between January 10, 2005 and February 21, 2005; and all records, such as banking records, checking account registers, and cash receipt records, that relate to or are derived from produce received by Kings Meat & Seafood Corporation from DiMare between January 10, 2005 and February 21, 2005. The Court further

ORDERS DiMare shall post a surety bond in the amount of \$1000 pursuant to Rule 65(c) of the Federal Rules of Civil Procedure. The Court further

ORDERS DiMare shall serve Defendants a copy of this Order.

SIGNED the 28th day of April, 2005.



David Hittner
United States District Judge